

BRETT O'NEIL

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Attorney for the CSI

**BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE,
MONTANA STATE AUDITOR
STATE OF MONTANA**

IN THE MATTER OF:)	
)	CASE NO. INS-2012-22
)	
SCOTT WHITE,)	CONSENT AGREEMENT AND
)	FINAL ORDER
Respondent.)	
)	
)	

This Consent Agreement and Final Order (Agreement) is entered into by the Office of the Commissioner of Securities and Insurance, Montana State Auditor (CSI), acting pursuant to the authority of the Montana Insurance Code, Mont. Code Ann. § 33-1-101, et seq. (Code), and Scott White (Respondent).

RECITALS

WHEREAS, the CSI received a complaint from an insurer regarding the backdating of policies;

WHEREAS, the CSI alleged Respondent violated Mont. Code Ann. § 33-1-1205(2) by failing to report an alleged fraud to an insurer within 60 days of discovery of the alleged fraud;

WHEREAS, the CSI alleged Respondent violated Mont. Code Ann. § 33-19-205 by ordering a credit report on July 25, 2011 without authorization to do so by the subject of the report;

WHEREAS, the CSI and Respondent agree that the best interests of the public would be served by entering into this Agreement;

NOW, THEREFORE, in consideration of the mutual undertakings contained in this Agreement, the CSI and the Respondent hereby agree to settle this matter pursuant to the following terms and conditions:

STIPULATIONS AND CONSENTS

I. Without admitting or denying any of the CSI's allegations, Respondent stipulates and consents to the following:

A. Respondent shall pay a fine of \$500.00 to the state of Montana in 10 monthly payments of \$50.00. The first payment shall be due on March 15, 2012, shall be submitted to the CSI under this Consent Agreement and Final Order. The checks and any other documents requested shall be sent to the Office of the Commissioner of Securities and Insurance, Montana State Auditor, c/o Lisa Monroe, Legal Secretary, 840 Helena Avenue, Helena, MT 59601.

B. Respondent shall work under the supervision of a licensed producer for 12 months. Respondent and the supervising agent shall enter into a written agreement whereby the supervising producer shall submit quarterly reports to the CSI. The quarterly reports shall address Respondent's dealings with the supervising agent and potential insureds. The agreement shall be submitted to the CSI prior to the Respondent entering into the insurance business.

C. Within two years from the date of this agreement, the Respondent shall attend five hours of Ethics Continuing Education. This is in addition to Respondent's statutory duties regarding Continuing Education. Within two weeks of attending a Continuing Education course, Respondent shall submit a copy of the Course Completion Certificate to the CSI.

D. The Respondent fully and forever releases and discharges the Commissioner of Securities and Insurance, Montana State Auditor (Commissioner), the CSI, and all of the CSI's employees and agents from any and all actions, claims, causes of action, demands, or expenses for damages or injuries, whether asserted or unasserted, known or unknown, foreseen or unforeseen, arising out of this Agreement.

E. The Respondent specifically and affirmatively waives a contested case hearing and all rights to appeal under the Montana Administrative Procedure Act, Mont. Code Ann. § 2-4-101, et seq., and elects to resolve this matter on the terms and conditions set forth herein.

II. All parties to this Agreement stipulate and consent as follows:

A. The Commissioner and the CSI have jurisdiction over the subject matter of the above-entitled proceeding.

B. The CSI hereby agrees that it will not initiate any civil or administrative action against the Respondent regarding the allegations contained in this action for so long as the Respondent adheres to the terms of the Agreement.

C. This Agreement is entered without adjudication of any issue, law or fact. It is entered into solely for the purpose of resolving the CSI's allegations and is not intended to be used for any other purpose. For any person or entity not a party to this

Agreement, this Agreement does not limit or create any private rights or remedies against the Respondent, limit or create liability of Respondent, or limit or create defenses of Respondent to any claims.

D. The applicable statute of limitation, Mont. Code Ann. § 33-1-707, is tolled for two years from the date of execution of this Agreement with regard to the allegations set forth above. In the event Respondent violates the terms of this Agreement at any time during the two-year tolling period, the CSI reserves the right to seek additional fines.

E. This Agreement constitutes the entire agreement between the parties and no other promises or agreements, either express or implied, have been made by the CSI or by any member, officer, agent or representative of the CSI to induce Respondent to enter into this Agreement.

F. This Agreement may not be modified orally, and any subsequent modifications to this Agreement must be mutually agreed upon in writing to be effective.


G. This Agreement shall be incorporated into and made a part of the attached Final Order issued by the Commissioner herein.

H. This Agreement shall be effective upon signing of the Final Order.

I. The Agreement is a public record under Montana law and, as such, may not be sealed or otherwise withheld from the public.

DATED this 28th day of MARCH, 2012

**OFFICE OF THE COMMISSIONER OF
SECURITIES AND INSURANCE,
MONTANA STATE AUDITOR**

By: 

BRETT O'NEIL
Attorney for the CSI

DATED this 14TH day of MARCH, 2012



SCOTT WHITE

FINAL ORDER

Pursuant to the authority vested by Mont. Code Ann. § 2-4-603 and § 33-1-101, et seq.,
and upon review of the foregoing Consent Agreement, and good cause appearing,

IT IS HEREBY ORDERED that the foregoing Consent Agreement between the CSI and
Respondent Scott White is adopted as if set forth fully herein.

DATED this 28 day of March, 2012.

MONICA J. LINDEEN
Commissioner of Securities and Insurance,
Montana State Auditor

By: 
ADAM SHAFER
Deputy Commissioner

cc: Brett O'Neil